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**"In noe wise cruelly whipped": Indentured Servitude, Household Violence, and the Law
in Seventeenth-Century Virginia**

Caylin Elizabeth Carbonell

Norwalk, Connecticut

Bachelor of Arts, Bates College, 2012

**A Thesis presented to the Graduate Faculty
of the College of William and Mary in Candidacy for the Degree of
Master of Arts**

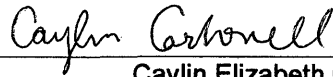
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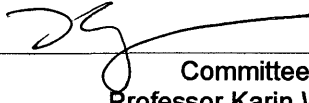
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Master of Arts



Caylin Elizabeth Carbonell

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Committee Chair
Professor Karin Wulf, History
The College of William & Mary



Visiting Associate Professor, Susan Kern, History
The College of William & Mary



Assistant Professor, Nicholas Popper, History
The College of William & Mary

ABSTRACT

A glimpse at the seventeenth-century community on Virginia's Eastern Shore reveals a collection of households, of servants and their masters working to negotiate their positions in a relatively new society. County court records from Accomack-Northampton provide a testament to these negotiations, revealing an ongoing dialogue over the bounds of the relationship between masters and their servants. When servants came to court to recount violence by their masters, they challenged the authority of their household heads, and reinforced the notion of a boundary between appropriate correction and abuse. Without established criteria to evaluate abuse, court records reveal an informal consensus over the acceptable limits of violence and the types of evidence used to signify these limits. In their testimonies, men and women frequently made reference to physical markings on servant bodies as well as the locations where violence occurred, revealing community expectations of the visibility of violence as a guarantor against abuse. Drawing on cases from the Accomack-Northampton county courts between 1640 and 1645, this thesis shows how Eastern Shore residents narrated their experiences with violence and authority, with an emphasis on bodies and spaces in their recounting of these stories.

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First, I would like to thank my advisor, Professor Karin Wulf for her guidance and support throughout this entire process. I imagine our frequent conversations about the intimate details of seventeenth-century households lasted far longer than the deliberation of the county court commissioners considering these cases nearly four centuries earlier. I am also grateful to Professors Susan Kern and Nicholas Popper for their careful reading and helpful advice on earlier drafts.

I would also like to thank my parents for their loving support and kind encouragement during these first two years of graduate work. My dad deserves special thanks for his willingness to read several drafts of this thesis, often within a pressing timeframe. To my friends and fellow graduate student colleagues, thank you for all of your support, for reading drafts during an informal colloquium, and for ensuring that I met all of the appropriate deadlines. It is only with such a wonderful network of family and friends that it has been possible for me to reconstruct these seventeenth-century networks and bring to light some of those moments when contemporary relationships proved not as warm as mine have shown themselves to be.

On August 3, 1640, the Accomack-Northampton court was a scene of frenzied emotion. Local residents, mostly neighbors, appeared in court that day regarding the suspected murder of a servant boy, Thomas Wood, at the hands of his master, Peter Walker. The court commissioners deposed several individuals, including the jury of men who had examined the corpse, the physician who had performed a physical exam prior to the murder, and neighbors who shared their stories of Walker's treatment of his servants. This case drew the attention of a wide swath of the community, and the proceedings fill more space in the records than perhaps any other single case during this era. Neighbors spoke not only of Walker's actions towards Wood, but also of his relationships with the surrounding community. They recounted animosity between Walker and his probable accuser, Edmund Scarborough, a man of high standing in the community, who would later serve as a commissioner of the court. They also described the circumstances under which news of the case had spread, and the rumor that someone would be hanged for this crime. Peering in on this scene, it seems hard to believe that the English men and women in court that day had settled on the Eastern Shore only relatively recently. This was a community without a long history, in some ways a makeshift community, and yet one that reveals familiar and complicated relationships among neighbors, some friendly and others quite tenuous.

The courtroom scene that unraveled on this day in 1640 attests to the intimate familiarity and the deep uncertainty that simultaneously characterized this moment in the history of Virginia's Eastern Shore, with servitude at the center of both. The Wood case acted like a vortex. The case reveals servitude as a central but vexed issue in this seventeenth-century world. In Virginia, indentured servitude had a significant social

component beyond its place in the economy; servitude structured relationships both within and outside of households. Servants were an integral part of the community, not outside of it, and servitude was a shared experience among many of the Eastern Shore's early residents. As Lois Green Carr and Russell R. Menard have observed in their study of the seventeenth-century Chesapeake, "Shared social experience as well as common social origins must have diminished differences in status between freedmen and their employers."¹ Since indentures were only temporary contracts, there was significant room for mobility, and servants often became independent landholders, sometimes even reaching positions of prominence. For these reasons, the relationship between masters and their servants was somewhat undefined during this moment in the colony's early history.² As the Wood case demonstrates, servitude was also a set of relations that witnessed frequent recourse to violence. Within the households of the seventeenth-century Eastern Shore, violence was a means to renegotiate the relationship between master and servant, to reify the social and economic bonds between these individuals.³ For Thomas Wood, intervention came too late; but for others, the courts provided a public forum to interpret the meanings of violence. Cases of violence between masters and their servants provide a lens through which to view relations of power within

¹ Lois Green Carr and Russell R. Menard, "Immigration and Opportunity: The Freedmen in Early Colonial Maryland" in *The Chesapeake in the Seventeenth Century: Essays on Anglo-American Society*, eds. Thad W. Tate and David L. Ammerman (Chapel Hill: University of North Carolina Press, 1979), 228.

² Note that I refer to a gender-neutral "master" frequently throughout this paper when speaking of the relationship between masters and their servants more broadly. However, in cases in which the records reference a "master" or "mistress" specifically, I differentiate the two as the records dictate.

³ The term *violence* can be defined rather broadly and invokes a judgment in its own right. As Susan Amussen argued in her study on violence in early modern England, "the meaning of violence is rarely entirely intrinsic to the action." The term violence as used here refers to physical acts of force, and does not distinguish between acts that might have been considered legally appropriate and those that were deemed criminal. Rather, *correction* is used to represent legitimate legal force through the master's right to discipline servants, and *abuse* is used to signify extralegal or illegitimate force as a violation of the rights of servants. See Susan Dwyer Amussen, "Punishment, Discipline, and Power: The Social Meanings of Violence in Early Modern England" *Journal of British Studies* 34 no. 1 (Jan., 1995), 2.

households in seventeenth-century Virginia. As John Smolenski has argued in his work on violence in the New World, “Colonial identities were created in some degree through economies of violence – the range of permissible exchanges of violence in colonial society that defined who could inflict violence against whom and under what conditions.”⁴ These cases reveal moments of negotiation over the acceptable limits of violence, which suggest the struggle to define the boundaries of master-servant relationships.

Faced with the question of whether acts of violence constituted appropriate correction or might be considered abuse, county courts witnessed repeated attempts by colonists to determine the legitimate extent of household authority. Community members often differed in their interpretations of physical punishment, and we can read their responses on a continuum by which they judged violence as either correction or abuse. While the courts were the ultimate arbiters, Eastern Shore residents shared stories in their depositions, which speak to local community understandings of violence and its limits. As Laura Gowing has argued, “What legal records contain, then, is the imperfect transcript of an exchange laden with imbalances of power, secrets, hidden agendas, and meanings we can only partly recover.”⁵ In the absence of precise guidelines for determining the threshold of legality in incidents of violence, community members articulated what amounted to an informal consensus on when and where violence was appropriate and what kinds of evidence might signify violence to a court. Taken together, these cases highlight the extent to which courts focused on the laboring servant body as

⁴ John Smolenski and Thomas J. Humphrey, eds., *New World Orders: Violence, Sanction, and Authority in the Colonial Americas* (Philadelphia: University of Pennsylvania Press, 2005), 14.

⁵ Laura Gowing, *Common Bodies: Women, Touch, and Power in Seventeenth-Century England* (New Haven: Yale University Press, 2003), 14.

well as the physical sites of violence in order to judge the legitimacy of violence on the correction-abuse continuum.⁶

To determine whether violence was just, courts were centrally concerned with the function of violence as it related to the laboring status of the servant. Servant bodies were scrutinized for physical markings of abuse, as masters were not permitted to commit lasting injury to their servants' bodies. Courts were concerned further with the locations where violence was enacted, signifying the extent of shared social knowledge of these incidents, which lent legitimacy to the authority of masters. It was within the courts that the Eastern Shore's early residents negotiated the terms of the master-servant relationship and the role of violence in this arrangement; these cases reveal a number of ways that colonists shared common ground in their focus on laboring servant bodies and the locations of violence as a means to reconcile these debates.⁷

This essay looks at the community on Virginia's Eastern Shore during the years 1640-1645, viewed through the seventeenth-century court records from Accomack and Northampton counties.⁸ While violence appears in these records in a number of instances,

⁶ Here, I place the body at the center of my analysis and refer to the body as a site for negotiation. This approach is similar to that explained by Janet Moore Lindman and Michele Lise Tarter in the introduction to *A Centre of Wonders: The Body in Early America*, in which they describe their use of bodies "as physical entities and textual productions." Lindman and Tarter, *A Centre of Wonders: The Body in Early America* (Ithaca, N.Y., Cornell University Press, 2001), 2.

⁷ This essay draws from cases in the records from the Accomack-Northampton court during the years between 1640 and 1645. Given the scattered and incomplete nature of these records, and the inchoate nature of the legal system in Virginia, it would be impossible to provide quantitative information such as the total number of cases during these years. I identified a total of 15 cases within these records that concern violence involving servants, and in this essay I draw extensively from four of these cases that were the most complete in terms of documentation. While these cases are not necessarily representational of the master-servant relationship, they are representative of the way these cases were treated in the courts, and offer insight as to how Eastern Shore residents negotiated household violence within the court setting. See Susie M. Ames, ed., *County Court Records of Accomack-Northampton Virginia, 1640-1646* (Charlottesville, 1973). Hereafter, *CCR II*.

⁸ During this period, in March 1643, the county of Accomack was renamed Northampton, and so in favor of consistency I refer to this community as Accomack-Northampton so as to represent the county's changing name during this time. Accomack-Northampton counties have extant continuous court records since 1632, which include an assortment of documents including quarter court proceedings, probate

this essay looks specifically at cases in which heads of households (masters and mistresses as well as their overseers) were brought to court for physical violence toward servants.⁹ These cases suggest limits on the legitimate use of violence in the household, and shed light on the extent to which servants played a role in shaping these conversations.¹⁰ In 1640, the Eastern Shore comprised approximately 150 square miles and accommodated a population of around 650 inhabitants.¹¹ Despite relative geographic isolation across the Chesapeake Bay, Susie Ames, one of the Eastern Shore's earliest historians, argued, "to a great extent, early Virginia is epitomized in Accomack-Northampton."¹² Community, as used here to describe the residents of the Eastern Shore, is a fluid designation invoking the local neighbor-based relationships between the men and women who appear in the county court records for Accomack-Northampton counties. As Darrett Rutman has contended, "no American community existed in isolation. All were, to one degree or another, linked vertically to each other to form a larger social

inventories, wills, and deeds, as well as miscellaneous letters; together, these records afford a glimpse of day-to-day interactions on the seventeenth-century Eastern Shore. This essay employs Susie Ames' transcription of these records from the original manuscript collection, also available on microfilm.

⁹ In this essay, I look specifically at instances in which servants reported physical violence or the threat of physical violence. While I acknowledge that sexual violence also constitutes physical violence, sexual violence is not the focus of this study. For more on the topic, see T.H. Breen and Stephen Innes, "*Myne Owne Ground: Race and Freedom on Virginia's Eastern Shore, 1640-1676* (New York: Oxford University Press, 1980)," 64; Mary Beth Norton, *Founding Mothers & Fathers*, 120-122; John Ruston Pagan, *Anne Orthwood's Bastard: Sex and Law in Early Virginia* (New York: Oxford University Press, 2003). Violence was also not one-directional, and servants certainly engaged in violent acts as well, at times toward their superiors. In her work, Terri Snyder discusses cases in the seventeenth-century courts when servants enacted violence toward their masters or mistresses. See Terri L. Snyder, "'As if there was not Master or Woman in the Land' Gender, Dependency, and Household Violence in Virginia, 1646-1720" in *Over the Threshold: Intimate Violence in Early America*, ed. Christine Daniels and Michael V. Kennedy (New York: Routledge, 1999), 223-225. For the period of this study, there is only one reference in the court records to violence by servants, in a case in which a servant is reported to have threatened to knock his master. See *CCR II*, 5.

¹⁰ One of the few early laws governing servitude, a 1643 Virginia law, vested servants with the right to complain to the court commissioners in the case of abuse or neglect. William Waller Hening, *The Statutes at Large Being a Collection of all of the Laws of Virginia from the First Session of the Legislature in the year 1619* (New York: Bartow, 1823), 255.

¹¹ Susie M. Ames, *County Court Records of Accomack-Northampton Virginia, 1632-1640* (Washington, D.C., 1954), xvii. Hereafter *CCR I*. It should be noted that Ames does not indicate whether this population estimate included the Native population of the Eastern Shore as well as English colonists.

¹² *CCR I*, xviii.

web.”¹³ While these records preclude definitive conclusions about contemporary definitions of community or the intimacy of these relationships, they illustrate the household’s place within the larger social web.

Household, rather than *family*, is the most appropriate unit of analysis, given the unstable and often unusual composition of families in early Virginia. Households encompassed a wide net of relationships, including servants, and embraced an understanding of kinship unrestrained by standards of blood or marriage. Households, as Carole Shammas reminds us, were understood in terms of dependencies, consisting of a household head and his or her dependents.¹⁴ While the household head was most frequently male, women sometimes headed households, and dependency, rather than gender, shaped the structure of households. In a setting with a skewed sex ratio and an overwhelming number of men, unique household arrangements took root; in some cases, men with limited resources or unmarried men chose to reside together and established a relationship as *mates*, which allowed them to jointly head a household.¹⁵ The household was thus an economic arrangement and also one based on co-residency. The basic unit of social arrangement, households worked by tacit agreement between the head and his or her dependents. As heads of households, masters wielded authority, but were also contractually bound by obligations to provide for their dependents, in a paternalistic power structure. An examination of violence within the household thus offers a lens for

¹³ Darrett B. Rutman, “The Social Web: A Prospectus for the Study of Early American Community” in *Insights and Parallels: Problems and Issues of American Social History* ed. William L. O’Neill (Minneapolis: Burgess Pub. Co., 1973), 77. For more on community, see Darrett B. and Anita H. Rutman, *A Place in Time: Middlesex County, Virginia, 1650-1750* (New York: Norton, 1984) and Richard R. Beeman, “The New Social History and the Search for ‘Community’ in Colonial America” *American Quarterly* 29 no. 4 (Autumn, 1977), 422-443.

¹⁴ Carole Shammas, *A History of Household Government in America* (Charlottesville: University of Virginia Press, 2002), xii.

¹⁵ Norton, *Founding Mothers and Fathers*, 18.

viewing the contested and often limited nature of authority in seventeenth-century Virginia.

The Accomack-Northampton court records from 1640 to 1645 allow a close look at a time when master-servant relations might be assumed to have achieved a sense of equilibrium. The mid-seventeenth century was a period in Virginia's history that was, as Edmund Morgan has posited, relatively stable following disastrous early decades. According to Morgan, the period beyond 1630 and through around 1660 (leading up to Bacon's Rebellion) witnessed greater stability than the earlier period and relative consistency prior to the later emergence of a larger-scale slave society.¹⁶ As Abbot Emerson Smith suggests, this period is also particularly fruitful for a study of law and servitude, given that 1640 marked the emergence of a greater body of laws governing servitude.¹⁷ By the end of the seventeenth century, the Eastern Shore would look quite different, as the Virginia legislature increasingly passed laws institutionalizing a system of slavery based on racial difference.¹⁸ Additionally, the 1640s mark a time when the communities of Accomack-Northampton were still quite small and neighbors knew each other intimately, allowing a view of the networks of relationships and the extent to which social knowledge travelled between houses and plantations. Many of the residents of Accomack-Northampton were still relatively recent arrivals in the 1640s, and yet, as the cases below reveal, these individuals quickly established a web of relationships,

¹⁶ Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia*. (New York: W. W. Norton & Company, 2003), 133.

¹⁷ Abbot Emerson Smith, *Colonists in Bondage: White Servitude and Convict Labor in America, 1607-1776* (Chapel Hill, N.C.: UNC Press, 1947), 227.

¹⁸ Breen and Innes, "Myne Owne Ground"; Morgan, *American Slavery, American Freedom*; Rebecca Anne Goetz, *The Baptism of Early Virginia: How Christianity Created Race* (Baltimore: The John Hopkins University Press, 2012).

recreating familiar institutions in a new setting and producing new ones where they saw a need for change.

The central issue at stake in the efforts of Virginia colonists to address the question of physical punishment concerned the legal position of servants within their nascent society. What were servants' rights during their indentures or apprenticeships? And the inverse: what were masters' rights over their servants? These were questions invariably asked by contemporaries, as they evaluated punishment through the correction-abuse continuum, and given the ambiguity of the record in providing answers, they have received significant attention from historians since. Given the magnitude of indentured servitude's influence on social and economic life in early Virginia, the labor system has been the focus of scholarly discussion since the late nineteenth century, with significant attention paid to the legalities of the institution. In framing these discussions, scholars have generally considered both the relationship between laws in the colonies and the mother country as well as the relationship between servitude and slavery. Historians have paid particular attention to the varying degrees of freedom or unfreedom associated with the institution, and in doing so, have focused on the extent to which servants were considered chattel.¹⁹ The comparison to the later development of a slave society in Virginia has obscured some of the particularities of the indenture system. Anticipating the violence of the later slave society, many historians have been quick to point to the cruelty of masters in Virginia as compared with England.

¹⁹ See Morgan, *American Slavery, American Freedom*; Christopher L. Tomlins, *Freedom Bound: Law, Labor, and Civic Identity in Colonizing English America, 1580-1865* (Cambridge: Cambridge University Press, 2010); Warren Billings, "The Law of Servant and Slaves in Seventeenth-Century Virginia," *The Virginia Magazine of History and Biography* 99 no. 1 (Jan., 1991), 45-62.

In making these comparisons, historians have offered conflicting interpretations of the status of servants as “chattel,” a debate central to understanding the legal status of servants in the colonies. James Curtis Ballagh, one of the first historians to write about indentured servitude, traced the development of indentured servitude in Virginia, arguing for the exceptional nature of the labor system and describing it as a “purely colonial development.” Concerning the legal status of servants, Ballagh delineated three chronological periods, from 1619-1642, 1642-1726, and 1726-1788, reflecting the developments of servant law, which he argued became more fixed and established during the second period, and faced decline during the third. Ballagh was one of the first historians to suggest that servants occupied a position comparable to property, sometimes regarded as chattel as part of a master’s estate. However, he tempered this claim with the argument that servants otherwise occupied legal positions similar to freemen.²⁰ Abbot Emerson Smith widened the scope of analysis by examining several forms of servitude and convict labor in the British colonies in North America. Smith argued that indentured servants held the status of chattel but were also permitted protection under their indentures, through the “custom of the country,” and the right of servants to appeal to the county courts. Smith acknowledged the debate over a servant’s status: “it has often been intimated that they [servants] were quite unprotected from the arbitrary and capricious tyrannies of their masters,” but noted his disagreement: “this can, I think, be refuted.”²¹

Throughout the second half of the twentieth century, historians continued to invoke the debate over the relative legal status of servants with little resolution and general consensus that servants held limited legal power. The general trend in the

²⁰ James Curtis Ballagh, *White Servitude in the Colony of Virginia: A Study of the System of Indentured Labor in the American Colonies* (Baltimore: John Hopkins Press, 1895), 10, 42-3, 44.

²¹ Smith, *Colonists in Bondage*, 233, 247.

scholarship on indentured servitude over the twentieth century was to regard servants as the relatively powerless property of their masters. In *American Slavery, American Freedom*, Edmund Morgan explored Virginia's early history, with an interest in the transition from indentured servitude to slavery. Indentured servitude was essential to Morgan's argument, as his explanation for the shift to racial slavery hinged on the unsustainability of the indenture model and the social unrest increasingly caused by servants. Morgan compared servants in Virginia to parish apprentices in England, whom he described as "the least privileged types of English servant."²² Morgan also employed the chattel argument, describing an incident in which planters gambling at cards used their servants as stakes, and argued that "Virginians dealt in servants the way Englishmen dealt in land and chattels."²³ In their study of the seventeenth-century Eastern Shore, T.H. Breen and Stephen Innes argued that servants had a very limited legal position in the colony, finding that when servants petitioned the court, they rarely won their cases. Echoing this argument for the limited rights of servants in the eyes of the law, Warren Billings contended that servants were chattel and might be legally compared to clothing or livestock. Billings also argued that "brute force" characterized relationships between servants and Virginia planters.²⁴ In his analysis of the English origins of Chesapeake society, James Horn supported this view, claiming: "it is hard to avoid the conclusion that servants were commonly regarded as a species of property."²⁵ Horn described the

²² Morgan, *American Slavery, American Freedom*, 126.

²³ Morgan, *American Slavery, American Freedom*, 128.

²⁴ Billings, "The Law of Servants and Slaves," 51.

²⁵ James Horn, *Adapting to a New World: English Society in the Seventeenth-Century Chesapeake* (Chapel Hill, N.C.: The University of North Carolina Press, 1994), 272.

adoption of “the Custome of the Country” in Virginia, and the way in which planters were given free reign over their servants under this rule of law.²⁶

In contrast, Christine Daniels indicated that most scholarship on the legal rights of indentured servants has focused on statutes rather than cases, and has therefore overemphasized the powerlessness of servants. In her essay on servant petitions in Maryland, Daniels argued: “many servants understood their legal rights, sought relief for their grievances, and succeeded in their efforts.” But Daniels was not the first to acknowledge that servants could petition the courts with success, her work has been valuable in suggesting that servants had agency in defining the limits of a master’s power. Additionally, Daniels has argued that, contrary to slavery, masters did not have rights to ownership of indentured servants’ bodies. Servants were “contracted laborers,” not chattel, a distinction that Daniels makes explicit in her work.²⁷ Building on Daniels’ work, Terri Snyder has similarly addressed legal agency for servants in seventeenth-century Virginia, with a focus on the power of servants’ words in court. Snyder argues that female petitioners were more frequently vulnerable to sexual abuse and were also more likely to succeed in their claims to the courts.²⁸

While the debate over the legal status of servants has been relatively polarized, Alexa Cawley has suggested a position of “half-freedom” that placed indentured servants somewhere in the middle on a continuum of freedom and unfreedom. In an essay that

²⁶ Horn, *Adapting*, 269.

²⁷ Christine Daniels, “‘Liberty to Complaine’ Servant Petitions in Maryland, 1652-1797,” in *The Many Legalities of Early America*, eds. Christopher L. Tomlins and Bruce H. Mann (Chapel Hill, N.C.: UNC Press, 2001), 220, 222, 225, 248.

²⁸ Terri L. Snyder, *Brabbling Women: Disorderly Speech and the Law in Early Virginia* (Ithaca, N.Y.: Cornell University Press, 2003), 90; Terri L. Snyder, “‘To Seeke for Justice’ Gender, Servitude, and Household Governance in the Early Modern Chesapeake” in *Early Modern Virginia: Reconsidering the Old Dominion*, eds. Douglas Bradburn and John C. Coombs (Charlottesville, University of Virginia Press, 2011), 128-157.

examines relationships between masters and servants in seventeenth-century Maryland, Cawley argued, “while legally considered chattel, like other forms of property such as real estate, slaves, household items, farm equipment, and animals, a servant’s potential labor rather than their persons belonged to the master.”²⁹ This viewpoint resolves some of the ambiguity described by earlier historians regarding the servants’ liminal status as property but also as persons with rights to their own bodies.

The cases analyzed here suggest the servant’s position in the household was much closer to Cawley’s “half-freedom” than to earlier definitions of servants as chattel of the master. As these cases demonstrate, there were limits on a master’s authority over his or her servants, and masters did not maintain unrestrained authority over servant bodies. Instead, masters governed servant labor, and the cases explored in this essay repeatedly demonstrate this distinction through an emphasis on the laboring status of the servant, a focus on servant bodies, and attention to the locations of violence as a way of reading evidence of abuse.

In May 1643, William Evans appeared before the Accomack-Northampton court to recount a recent incident of violence between a local servant man and his overseer. As a deponent, Evans was no stranger to the courts, nor was he immune to the culture of violence to which he was testifying. Two years earlier, Evans was accused of abusing another man’s wife, and a year before that he was a deponent in a case concerning a violent exchange between neighbors. On that day in May 1643, Evans described a case of purported abuse between an overseer and a servant named Walter Dickinson. Dickinson

²⁹ Alexa Silver Cawley, “A Passionate Affair: The Master-Servant Relationship in Seventeenth-Century Maryland” *Historian* 61 no. 4 (June, 1999), 753.

was approximately 23 years old at the time.³⁰ According to Evans, four of Mr. Wilkins' male servants had been carrying logs upon a handspike when the logs slipped from the foremost handspike.³¹ The overseer, James Morphew, asked one of the servants, Walter Dickinson, for assistance, but Dickinson responded that his handspike was too short and he could not carry it. Morphew then took up the handspike and used it to give Dickinson two or three blows. Immediately after, Dickinson showed Evans the mark from the blows, which was "much about his hipp." Following Evans, another servant named John Marshall shared a similar account with the court, noting that it was black about Dickinson's hip after he was dealt the blows.³²

With only two depositions and without subsequent court orders, we will likely never know the outcome of this case. Such is the fragmentary nature of these records that it would be impossible to draw hard and fast conclusions regarding sentencing or exact criteria for measuring the misuse of servants. The value of this case lies instead in the depositions given by Evans and Marshall, which illustrate the significance of labor in the negotiation of violence in the courts. Both Evans and Marshall provided a narrative of events in which labor (in this case, the carrying of logs on a handspike) was central to the violent event. In an effort to frame violence as either correction or abuse, deponents emphasized the purpose or function of violence in their descriptions of these incidents. Correction was ostensibly used to amend or change behavior, and for this reason, deponents and petitioners often framed violence in the context of unproductive or

³⁰ *CCR II* 5. During this case, Dickinson was likely 23 based on earlier records that indicate his age at 20 in 1640.

³¹ Here, as with many seventeenth-century records, "Mr." and "Mrs." served as abbreviated titles to signify "Master" and "Mistress." For a discussion of this practice, see Mary Beth Norton, *Founding Mothers & Fathers: Gendered Power and the Forming of American Society* (New York: Vintage Books, 1996), 18.

³² *CCR II*, 276.

inefficient labor. Susan Amussen has identified similar limits on the use of violence in early modern England, arguing that “there were rules and limits that were recognized; violence, or more properly, correction – was supposed to be a response to a particular fault, not the result of generalized anger.”³³ Morphew’s actions here represent his response to a perceived denial of labor by Dickinson. In this case, both deponents acknowledged that Dickinson responded to Morphew’s demand with an explanation for why he could not satisfy it (he claimed the handspike was too short). While neither deponent provided enough information to substantiate Dickinson’s excuse for refusing to assist Morphew, their narratives emphasize that this was a disputed negotiation over labor and not an indiscriminate occurrence.

In the Morphew-Dickinson case, labor informed both the apparent reason for violence and the mode by which violence was brought about. The degree to which labor informed violence and the subsequent format of correction varied from case to case. In cases such as this one, violence was considered a spontaneous response to a perceived denial of labor, inflicted on the spot as a disciplinary measure. In other cases, violence represented a more calculated punishment, a means of correction implemented after the fact. With Dickinson, Morphew inflicted discipline using the handspike, the tool that brought about the conflict. This use of the handspike suggests urgency rather than premeditation. Morphew’s use of the handspike was also significant because it tied the act of force to the labor itself in a direct way. This detail lends itself to the interpretation that Morphew’s actions towards Dickinson represented at least an attempt at correction. However, an alternative explanation might judge the use of the handspike as an extreme

³³ Susan Dwyer Amussen, “‘Being stirred to much unquietness’: Violence and Domestic Violence in Early Modern England,” *Journal of Women’s History* 6 no. 2 (Summer, 1994), 82.

form of violence beyond customary forms of correction. In this case, as with others, participants in the courtroom located labor centrally in their narratives of violence as a way of determining intent and evaluating the degree to which the violence fit the infraction.

In Virginia, labor was the defining element of the master-servant relationship, yet even the terms of labor agreement were somewhat ambiguous. Indentured servitude was unique because the workforce was legally, but only temporarily, bound by contract. The impermanent nature of this arrangement informed the fragility of relations between masters and their servants. Masters required labor from their servants, which rendered servants marginally powerful in their bargaining ability.³⁴ As Breen and Innes have argued, “the relation between masters and servants, between the great planters and the rest of the community, was crudely defined in terms of return on investment.”³⁵ Thus, the need for labor incentivized masters to provide adequately for their servants, for fear of lost or unsatisfactory labor.³⁶ Alexa Cawley has similarly argued, “masters were forced to negotiate to keep their servants at work.”³⁷

At the same time, masters also wanted to maximize their returns and extract as much labor as possible from their servants. Farley Grubb has examined the system of indentured labor in America from an economic perspective with the central question: “Why was European indentured servitude in America more coercive than craft apprenticeship or life-cycle servitude-in-husbandry, despite the close similarity and

³⁴ Cawley, “A Passionate Affair,” 754.

³⁵ Breen and Innes, “*Myne Owne Ground*,” 49.

³⁶ In another case, for example, the court ordered that John Hinman pay Sampson Robins six days of work in the ground after finding that Hinman had beat Robins’ servant and had taken him away from labor. As the court’s decision demonstrates, violence upon servants could result in the loss of their labor. *CCR II*, 363.

³⁷ Cawley, “A Passionate Affair,” 759.

derivative nature of these institutions?”³⁸ Grubb indicates that the indentured servitude model was not self-enforcing, given that much of the servant’s compensation was paid up-front in cases in which masters paid for the servants’ passage across the Atlantic. Grubb contends that without enforcement, servants were more likely to run away or to work less efficiently. Grubb thus concludes, “This was a necessary structure, but one which created an inescapable set of incentives for opportunistic contract breaking that, if unchecked by coercion, would destroy the institution and eliminate the mutually beneficial gains acquired from immigrant servant contracts.”³⁹ Thus, masters often used violence, under the guise of correction, to force their servants to perform labor.

Complicating an analysis of labor disputes like the one between Morpew and Dickinson is the frequency with which many of the same individuals appeared in court in cases regarding violence in the household. Some individuals, like James Morpew, were brought to court on more than one occasion, which suggests that their actions were part of a larger pattern of violence rather than isolated incidents. However, the repeat offenders like Morpew also raise questions that are potentially problematic for a study that aims to examine general community trends – were these offenders representative of larger patterns or were they simply outliers? With a limited sample, it is difficult to judge the extent to which individuals like Morpew were exceptional, but the familiarity with which deponents spoke about violence in the courts suggest otherwise. While Morpew might provide a particularly cruel example, his appearances in court allow an

³⁸ Farley Grubb, “Does Bound Labour Have to Be Coerced Labour?: The Case of Colonial Immigrant Servitude Versus Craft Apprenticeship and Life-Cycle Servitude-in-Husbandry” *Itinerario* 21 no. 1 (March, 1997), 28

³⁹ Grubb, “Does Bound Labour Have to be Coerced Labour?” 32.

examination of the way that Eastern Shore residents spoke about and conceived of the legitimacy of violence and authority.

This case between Morpew and Dickinson is particularly interesting, because almost all of the involved parties appear in court at other times to testify in cases involving violence. In 1640, Dickinson had been one of the men to testify against John Marshall for allegedly threatening to knock his master, John Wilkins, in the head.⁴⁰ Marshall was convicted, and the court ordered that he was guilty of “manie misdemeanors and refractory courses allsoe the injurious and unlawfull speeches by him the said Marshall Foremly used and spoken towards and concerning Mr. John Wilkins...” The court elaborated that Marshall “hath tended to such dangerous and ungodly action.” For his behavior, Marshall was given thirty stripes upon his bare shoulders. Although the records do not provide an explanation, Dickinson was also convicted at the time and sentenced to twelve stripes upon his bare shoulders for “his obstinancies and offences ... by him committed and towards his Mason John Wilkins.”⁴¹ This brings into question Dickinson’s character and past history of conflict with his master, whom he had apparently acted out against, possibly in connection with John Marshall.

Dickinson was not the only one with a record – in fact, two months prior to the incident between Morpew and Dickinson, in April 1643, the court indicated that Morpew had “most unhumanely beate and abused one John Williams an Apprentice unto the said Mr. Wilkins.”⁴² This is one of the rare cases where the records include the court order, which served as a warning to Morpew: “if att any tyme hereafter the sayde James Morpew shall beate or abuse the said Williams or any other servaunt belonging

⁴⁰ *CCR II*, 5.

⁴¹ *CCR II*, 19.

⁴² *CCR II*, 266.

and apperteyneing unto the sayde Mr. Wilkins unlawfully hee shalbe for his last Censure by the Court.”⁴³ This earlier incident with John Williams very definitively indicts Morpew for abuse, a fault much more clearly defined than in the later case between Morpew and Dickinson. The records do not indicate whether Morpew was found guilty of his later actions against Dickinson, but this court order does suggest why Morpew faced greater scrutiny in the eyes of the community.

John Williams, too, reappeared in court the next month for running away from Wilkins. Williams’ decision to run away suggests that his mistreatment continued, causing him to leave his master’s home. The records indicate that the court commissioner, Argoll Yardley had written a letter on Williams’ behalf, persuading the court to remit Williams’ offence. The court let Williams off with a warning that he would receive twenty lashes on his bare shoulders if he were to run away again.⁴⁴ The court’s decision here reflects the malleability of laws regarding servants and the extent to which neighbors and community members could influence the actions of the court. Williams’ case also reflects a world in which servants might be sentenced with corporal punishment by order of the court for their failure to fulfill their labor duties to their master, in Williams’ case by running away. Both of these themes run through another case from October 1642, when Joane, a servant to George Travellor, was brought to court for absenting herself from service and was ordered to have ten lashes on her bare shoulders as punishment. Similarly to the Williams case, Travellor actually petitioned the court to have Joane’s punishment remitted.⁴⁵ Runaway servants were certainly a problem in Virginia, especially in a system where early investment in a servant’s passage overseas

⁴³ *CCR II*, 266.

⁴⁴ *CCR II*, 276

⁴⁵ *CCR II*, 212.

might be lost in the case of a servant running away.⁴⁶ The fear of servants running away could have a paradoxical effect; at times, the threat of servants running away caused masters to punish their servants, and at other times, it tempered their desire to do so. As these cases demonstrate, the court sentenced runaway servants to corporal punishment but also gave masters some latitude in determining punishments within their own households.

Another case involving a servant named Jarvis further illustrates the extent to which masters were forced to negotiate with their servants over labor. In November 1642, Daniel Pighles described an encounter at Thomas Ward's house when Matthew Pett came to return Ward's servant, Jarvis, who had recently run away. According to Pighles, when Ward asked Jarvis why he had run away, Jarvis had answered, "hee could not beate att the Morter and that was all the excuse he had."⁴⁷ In this instance, Ward "did not offer him [Jarvis] any abuse at all" because he understood that Matthew Pett planned to purchase the servant.⁴⁸ Pighles' description of events suggests that because Jarvis would not continue working for Ward, there was no reason to physically punish Jarvis for his actions. While this was not a case of direct violence, it brings up one of the issues at stake with violence toward servants, namely servants' abilities to continually perform arduous labor activities. Jarvis's avowed reason for running away, which Pighles emphasizes, was that he could not continue to beat at the mortar, the task of beating or grinding corn. Beating at the mortar was one of the most common labor activities performed by servants in the seventeenth-century Chesapeake, especially in the absence of significant numbers

⁴⁶ In the Thomas Wood case, deponents also described an incident in which Wood allegedly ran away from his master, Peter Walker. In this case, Walker chose to whip Wood in fear that Wood might run away again if not properly punished. See *CCR II*, 25.

⁴⁷ *CCR II*, 246.

⁴⁸ *CCR II*, 246.

of women and children. Jacqueline Jones has described this activity as “among the most despised ‘perpetual’ forms of labor,” specifying that this needed to be performed for several hours each day and required significant strength and endurance.⁴⁹ Several cases involving servant abuse involved the inability or unwillingness of servants to beat at the mortar, and the difficulty of this task shaped the negotiation of labor within servant households.⁵⁰ A familiarity with the exertion required for this task shaped the way court participants understood what might have seemed to be impractical expectations of masters and the related grievances of servants, an understanding of labor that contributed to their calculations regarding violence.

Questions in court concerning violence against servants reflected planters’ anxieties about maintaining a steady labor force, and negotiations in court emphasized the ability of the servant body to perform or withhold labor. Most importantly, masters held power not over servant bodies, but over their obligation to labor, and it was thus important to determine in court that actions against servants remained comfortably in the arena of correction, requiring due cause and moderation. The community judged sufficient cause for correction by considering the context of violence, but they measured moderation by paying closer attention to the bodies of servants and physical markings of abuse.

⁴⁹ Jacqueline Jones, *American Work: Four Centuries of Black and White Labor* (New York: W. W. Norton, 1998), 66

⁵⁰ Jones describes this arduous household labor: “Whether a servant pounded soaked corn in a mortar with the use of a large pestle, or used a handmill to grind the corn, the task involved a great deal of upper-body strength and endurance. Most maddening of all, it was work associated with the evening hours...” Jones, *American Work*, 66.

The court then convened on August 3, 1640 at Accomack with seven of the colony's men presiding and a great assortment of the Eastern Shore residents present as deponents. After hearing two cases concerning debts owed, one related to a petition for land due in exchange for transporting persons to the colony, and one involving the exchange and mistreatment of a maidservant (a case we return to), the court considered perhaps the grimmest of case for that day - the suspicious death and alleged murder of Thomas Wood. The records of this case begin with a statement signed jointly by ten men in which they detailed their examination the previous month of the alleged victim's corpse. As the events become clearer through depositions given by various members of the community, a number of details can be gleaned about the circumstances of the alleged murder.

This case offers a privileged window into the negotiations among colonists concerning the breakdown of household authority and the role of violence between masters and their servants. It is immediately clear from the depositions that the man accused was Wood's master, Peter Walker. Of Wood, much less is divulged, other than his servile status and that he was likely an adolescent as he was frequently referred to as "the boy." Central to the suspicion of murder are the accounts of violence, variously presented by community members, in which Walker and his overseer, Samuel Lucas, allegedly whipped Wood. The records reveal intense concern within the community over Wood's treatment and the possibility that abuse led to his death. Without a verdict, it is impossible to determine the final outcome of this case. It is likely, however, that Walker was cleared of the charges, based on his later appearances in the records as a freeman after this date. Despite the limitations of the sources, Wood's alleged murder offers a

useful case for exploring the centrality of the servant's physical body in reconciling questions about abuse and correction.

Physical examinations were important to Wood's case, and the records include a statement attesting to an examination of his corpse as well as depositions describing an earlier examination of Wood's body while he was alive. Physical examinations were not altogether uncharacteristic at the time, and juries were sometimes appointed to search bodies at the inquest of murder. As Gowing has argued of early modern England, "bodies were irredeemably public."⁵¹ The examination of Wood's corpse is unique, however, as it is the only of its kind within this set of records, and it transcends the typical gendered arrangement of these searches, which were usually conducted by females and limited to female bodies.⁵² In considering another seventeenth-century Virginia case concerning the servant Thomas/Thomasine Hall, Kathleen Brown and Mary Beth Norton have described the practice of the jury of matrons, in which juries of women were granted the authority to examine women's bodies, most commonly in cases concerning pregnancy and childbirth, as well as in cases with suspected witchcraft or related accusations. Brown and Norton argued that Hall's case was atypical, since women were allowed access to search Hall's body, which the community initially gendered as male.⁵³ Gowing has also described the jury of matrons as it appeared in seventeenth-century England, arguing that

⁵¹ Gowing, *Common Bodies*, 34.

⁵² In her analysis of the Thomas Hall case, Kathleen Brown discusses the practice of searching bodies, indicating that men lacked formal authority to search bodies "except in the case of grand jury inquests into murder." Kathleen Brown, "'Changed ... into the fashion of man': The Politics of Sexual Difference in a Seventeenth-Century Anglo-American Settlement" *Journal of the History of Sexuality* 6 no. 2 (Oct., 1995), 185.

⁵³ Brown, "'Changed...,'" 181; Also see Mary Beth Norton, *Founding Mothers & Fathers: Gendered Power and the Forming of American Society*, 225; Mary Beth Norton, "Communal Definitions of Gendered Identity in Seventeenth-Century English America" in *Through a Glass Darkly: Reflections on Personal Identity in Early America* eds. Ronald Hoffman, Mechal Sobel, and Frederika J. Teute (Chapel Hill, N.C.: UNC Press, 1997), 40-66

women were assumed to hold privileged knowledge of female bodies that allowed them to conduct these searches. “What was at issue then,” Gowing elaborates, “was a practice of knowledge and investigation which was profoundly dependent on female experience. The authority invested in women nominated as professional searchers was a logical development of that which they already exercised in the neighborhood.”⁵⁴ While juries of matrons were convened to search female bodies, it was much less often that males conducted such searches or were the objects of the same.

In Wood’s case, the group of men testified that they reviewed the corpse and “did not Find it anie otherwise, than as anie man might be dyeinge of the Scurvey beinge much swelled and not to have receaed anie wronge by his Masters usadge of him.”⁵⁵ We can speculate that none of these men had a medical background, as the “chirurgion” (who appears later as a deponent in the case) was generally identified in the records as such when he appeared at court. Of the ten men listed, it appears that at least two were merchants, several held land and or servants of their own, and two were potentially servants themselves.⁵⁶ The power given to these male members of the community to examine Wood’s corpse reflects the significance of examining and scrutinizing the physical body as a key component of justice, and one undertaken by a mixed cross-section of the community rather than medical practitioners or court commissioners. These men were given access to Wood’s body and were presumed to have sufficient knowledge not only of men’s bodies but also of the ways in which one might read marks of abuse on

⁵⁴ Gowing, *Common Bodies*, 46.

⁵⁵ *CCR II*, 22-23.

⁵⁶ John Neale and Luke Stubbins were merchants. Neale was also court commissioner and a member of the vestry and Virginia House of Burgesses. George Travellor and William Fisher held land and had servants. Henry Chapmen, Thomas Gilbert, and Davy Dale appear to have at least had money and do not appear to be servants. Matthew Gettings may have been a servant and Richard Hill was definitely a servant at least at one point in time. Walter Hill is not mentioned in any other records in this volume. See *CCR II*, xii-xiv, 28, 149, 246-248, 389, 390, 449, 455 and index.

a body. The diagnosis of scurvy and the description of the corpse as “being much swelled” indicate that these laymen relied on visible physical evidence to support their diagnosis in court. Critical to this testimony is the men’s conclusion that Wood did not receive any wrongdoing by his master’s usage. This statement assumes that there would be visible signs of harm if Walker had harmed Wood. Physical evidence of lasting harm done to the body was an important consideration in determining violence, and in Wood’s case, men searched his body for legible markers of abuse. The men’s conclusions about abuse based on their physical examination underscore the importance that colonists vested in the physical body for proving abuse.

Wood underwent a parallel investigation by the local surgeon while he was still alive, and a number of deponents described this incident in court. The surgeon, John Severne, recounted how he had been called to take a look at Wood eight days after Wood had been whipped, and he indicated that the boy had been sick at the time of the examination. Severne described how he had the boy’s shirt down to his middle and he “could not see nor perceive anie syne or anie marke at all where the said Boy had beene whipped.”⁵⁷ Both Zacheus Turner and Thomas Cooke testified that they had been present during the examination as well, and both men indicated that they could neither “see nor perceive anie marke or sign.”⁵⁸ As these depositions reveal, those present in court assumed that Wood had been whipped and were concerned with determining the extent of abuse by searching for physical signs or markers of lasting harm. Terri Snyder has argued that masters sometimes purposefully beat their servants in a way that the harm

⁵⁷ *CCR II*, 24.

⁵⁸ *CCR II*, 24.

would not show.⁵⁹ The men are very clear here in noting that Wood's shirt was down to his middle, as it is possible marks of abuse might not have shown visibly while Wood wore clothing that could conceal evidence of abuse. In Wood's case, both the local medical authority and community members were allowed to examine his body, and their resulting descriptions of the absence of physical markers of abuse provided crucial evidence.

Both Turner and Cooke used the same language to signify physical evidence of abuse – they refer to an absence of “markes or signs.” Marking conferred a degree of ownership associated with dependency. In cases of abuse, deponents in court often referred to physical manifestations of abuse such as the marking of dependents' bodies.⁶⁰ Marking appeared throughout the Accomack-Northampton court records and its multiple meanings throughout these records suggested that marking was an action that was done *onto* dependents. For example, marking was also a practice used by property owners who marked their livestock with distinct patterns or letters to indicate ownership and to distinguish property among various households. In another case that appeared before the Accomack-Northampton courts in 1640, the court ordered that two men should alter their marks on their cattle and hogs because it appeared that they had similar marks.⁶¹ As this case demonstrates, visibility was crucial to distinguishing property. This practice was also carried on with slaves in several different contexts, used specifically to denote ownership or to punish slaves for running away or other disobedience. Slaves were often

⁵⁹ Snyder, *Brabbling Women*, 91.

⁶⁰ For example, in another case from 1642 concerning a dispute between Anne Moy (a servant) and John Parramoore, physical marks offered important evidence in determining abuse in court. In his deposition, Henry Williams described the marks on Anne's physical body: “Anne came and shewed this deponent her side under her short Ribb and twas soe black as a Cole much like a kicke for ought that this deponent could perceave And the said Anne told this deponent saying this is John Parramoore's Marke...” *CCR II*, 211.

⁶¹ *CCR II*, 11.

marked like cattle to signify their status as property belonging to a specific master. While it was legal to mark slaves since masters owned the rights to the bodies of their slaves,⁷ this is one practice that distinguished servants from slaves, as marks on indentured servant bodies were read as signs of abuse. A third use of the term “mark” appears when referring to an illiterate individual’s signature. In many cases in which women appeared in court, and in several cases for men as well, a record was punctuated with the individual’s mark. In this case, a mark signified illiteracy, which although fairly common, again suggested dependency.

As these records imply, lasting physical marks implied abuse and would likely be seen as evidence of maltreatment. Terri Snyder has similarly argued, “Maiming or causing long-lasting injury to the bodies of white servants was considered to be a violation of their rights.”⁶² Of importance in the case of Thomas Wood, the body in question was a presumed male body. As Kathleen Brown explores in her analysis of the Thomas/Thomasine Hall case, it was female bodies that were generally believed to bear marks that might be read by others. As Brown writes, “Virginity, recent sexual intercourse, rape, childbirth, sex with the devil – all carried corresponding physical signs in the science of midwifery and were probably equally significant, if not as systematically delineated, for matrons called on their communities to translate this evidence into legal testimony.”⁶³ In a very similar way, the community translated these physical markings on servants’ bodies into legal testimony in county courts in order to resolve the abuse-correction continuum. The Wood case demonstrates that male bodies could bear marks as well as female bodies and that the dependent status of those bodies rendered these marks

⁶² Snyder, *Brabbling Women*, 97.

⁶³ Brown, ““Changed into...,”” 186.

legible. As Terri Snyder argued in her essay on the power of mistresses in seventeenth- and eighteenth- century Virginia, “dependency rather than gender, was paramount.”⁶⁴ Although there were important differences in the way the masculinized and feminized body was regarded, male and female servant bodies, as dependents, could be marked by their masters and read for signs of violence.

In court that day, three men recounted incidents in which Wood had received physical correction by his master and overseer, each emphasizing the instrument used for correction and the resulting injury to Wood’s body. In the first of these depositions, a man named William Hopley described an incident in which Samuel Lucas had struck Wood with a “roapes End about the bignes of a Finger” while Wood had been at work.⁶⁵ In the second incident, William Fisher recounted finding Wood lying at night in a neighbor’s calf house after he had allegedly run away from his master. Upon returning Wood to his master’s house, Fisher described how, at first, Walker had merely questioned Wood. Upon reconsidering, Walker had made a whip and had given it to Lucas, at which point they had both whipped the boy. When Fisher described the whipping, he determined that Wood was “in noe wise cruelly whipped But that a child of tenne yeares ould might be soe whipped and receave noe hurtt touchinge Life at all, For they did not draw one dropp of Blood that could be seene.”⁶⁶ In the third deposition, Zacheus Turner described how Lucas “took upp a little twigge and sometymes stroke the said Wood.” Turner made a similar judgment as Fisher about the extent of the whipping, commenting, “a Boy of Seaven yeares ould might have been soe stricken and without anie hurt at

⁶⁴ Snyder, ““As If There Was Not Master or Woman in the Land””, 220.

⁶⁵ *CCR II*, 25.

⁶⁶ *CCR II*, 25.

all.”⁶⁷ In all three depositions, the men recounted the particular characteristics of the objects used for striking, suggesting a correlation between the instrument used and the marks rendered. From a rope to a whip to a twig, each man described the way in which the servant’s body received correction and, when possible, the number of times that he was struck. These depositions demonstrate a depth of familiarity and a heightened awareness of the way in which certain instruments marked a servant’s body. This familiarity and the detail with which these actions are described suggest that these were very careful calculations of violence. Each of these instruments might have been located somewhere on the correction-abuse continuum and contributed to a judgment about the nature of the action taken.

Each of these depositions about whipping Wood demonstrates how the body was essential to the way that these men conceived of violence. In his deposition, Fisher judged the cruelty of the violence based on its effect on the servant body. As he described it, Wood was not cruelly whipped because he received “no hurt touching life at all” and because there was “not one drop of blood.” This underscores the importance of seeing blood as a visible sign of abuse and also emphasizes the consequence of this testimony to the case, not only in determining the extent of abuse but in determining the possibility of murder.⁶⁸ These depositions were also similar in their comparisons of Wood’s correction to that of a child. It is unclear how old Wood was at the time he was struck, but the comparison of his body with a child’s body suggests a parallel status of dependency for both and defines the extent to which correction might be deemed appropriate.

⁶⁷ *CCR II*, 25-26.

⁶⁸ For another case in which blood figured centrally, see the case of Anne Moy and John Paraamore, in which Anne is described as “Casting blood diverse times.” *CCR II*, 207. Also, see the case of Elizabeth Bibby, in which the child’s injuries are described, “shee strocke her and Brocke her head in somuch that the bloud came through her capp.” *CCR II*, 272.

Of interest to this case, as well, is Lucas' position as the overseer. In one of the incidents, both Lucas and Walker allegedly took turns whipping Wood. The homosocial and fraternal nature of the event underscores the symbolic significance of violence within the master-servant relationship. As Alexandra Shepard describes in her analysis of manhood in early modern England, "In devaluing the status of offenders through physical correction, regulatory officials and household heads also reiterated their own power and authority."⁶⁹ The shared participation in violence here is symbolic of the way in which households were structured around labor, with master and overseer controlling the labor of dependents and controlling labor with violence. The practice of taking turns also suggests a performative element to this violent act that could be conceived of as sadistic in its ritualism. This description of violence fits within what John Smolenski calls "the theatrics of power." As Smolenski describes it: "Symbolic displays of violence encoded and enforced power relations."⁷⁰ The violence enacted in this case seems to transcend the act itself and to act as symbolic of power relations between servant and master.

In these incidents, Lucas literally became, by extension, the "arm" of Walker, as he assumed the authority to correct Wood. While Walker was present and complicit in one of the three alleged incidents, Lucas appears to have acted alone in whipping Wood in the other two cases. It appears, however, that Walker was primarily to blame in court that day, at least among community members. Although households were generally fluid in composition, this case demonstrates that the "master-servant" relationship stood as the

⁶⁹ Alexandra Shepard, *Meanings of Manhood in Early Modern England* (Oxford: Oxford University Press, 2003), 139.

⁷⁰ Smolenski, and Humphrey eds. *New World Orders*, 12.

primary relationship under question in court.⁷¹ The master's authority to correct his servant was at the center of these proceedings, regardless of the fact that the overseer was more often than not the actual hand that performed the correction. This is also clear from the way in which laws regarding authority were framed in the colony. A 1623 law that was later re-stated in 1631 and again in 1632 read, "No person within this colony upon the rumor of supposed charge and alteration, presume to be disobedient to the present government, nor servants to their private officers, masters or overseers at their uttermost perils."⁷² In short, the servant's dependency was assumed under his or her master, mistress, and overseer.

Wood's case also reinforces the notion that labor was key to the evaluation of abuse in court. In one of the confrontations described in court, the overseer, Samuel Lucas, struck Wood while the boy was beating at the mortar. In his deposition, Zacheus Turner described how Wood would not continue to beat at the mortar, which had provoked Lucas to begin striking him. Turner also described how Lucas had chastised the boy verbally as well as physically, commanding him to keep working. He recounted: "Samuel Lucas beinge in the house tooke upp a little twigge and sometymes stroke the said Wood sayeing, Thomas, Beate of it, meaning that in the Morter." Lucas had apparently continued in this manner, commanding Wood to "have a care thou doest not sitt, But keep thy selfe walking."⁷³ As is clear from Lucas' taunting speeches, policing labor was also a means of asserting power over dependents. Lucas' words might be read as a self-affirming, almost sadistic claim to his position in relation to Wood.

⁷¹ Mary Beth Norton extends this argument and suggests that all of these prosecutions boiled down to a question of a man's authority over his dependents, "even when the nominal defendant was the man's wife rather than himself." Norton, *Founding Mothers & Fathers*, 115.

⁷² Hening, *The Statutes at Large*, 128, 174, 192.

⁷³ *CCR II*, 25.

Without a verdict, it is impossible to draw definitive conclusions from Wood's case concerning colonial attitudes toward violence within the household. However, Wood's case is representative of a trend of examining the bodies of servants to read the marks of violence or abuse. Deponents emphasized the physical examination of servant bodies as evidence in court, with particular attention to marks imprinted on bodies, demonstrating a social understanding of the way that certain tools of violence might mark servant bodies. In this way, Wood's case allows a view of how the community interpreted the distinguishing evidence of correction and abuse. Wood's case was unique in that a group of men actually performed an examination of his corpse, but it speaks to a larger pattern of reading the bodies of dependents and underscores the significance of markings as powerful evidence for legal testimony.

In addition to demonstrating the importance of servant bodies in negotiations of violence in courts, the Wood case allows a unique view of the process by which news and rumors travelled among residents of the Eastern Shore, revealing the significance of the landscape in framing community interaction. News was spread by word of mouth, and many of the interactions between deponents occurred en route between plantations – in the woods, in the fields, and near the creeks. For example, in his deposition in the Wood case, George Travellor described “Beinge in the woodes about Tuesday or about Wednesday last past and meetinge with Thomas Demmer.” As Travellor related, Demmer had recently received a visit from Mr. Grymesdich, and upon asking Grymesdich for the “newes Belowe,” Grymesdich had described “one Dead, Beinge or havinge bene whipped And that hee the said Grymesdich thought there would be hanged

for him or to such effect.”⁷⁴ As Travellor’s deposition reveals, law was a community affair on the seventeenth-century Eastern Shore. In another deposition in the Wood case, William Hopley reported that he had been on his way to Mr. Walker’s house when he ran into Zacheus Turner, who had been on his way to Mr. Scarborough’s home but had decided to instead accompany Hopley to Mr. Walker’s. It was thus only by happenstance that Hopley and Turner witnessed Samuel Lucas beating Thomas Wood.⁷⁵ However, if not Hopley and Turner, others likely would have been present, as multiple witnesses were usually able to corroborate stories in court.

As Wood’s case makes clear, the daily goings-on of households were often quite visible to neighbors and kin in this tight-knit Eastern Shore community. Christine Daniels has argued, “Early modern families were characterized by ‘sociability rather than privacy.’”⁷⁶ Households were semi-public to begin with, given the extended structure of families.⁷⁷ If not within the same residence, servants often lived in adjacent dwellings, in close proximity to their master and mistress. With the addition of servants, and with neighbors barging in and out as the records suggest, the plantation was hardly a private space. As James Perry has described, settlement on the Eastern Shore centered on three creeks, and spun outwards, with settlers patenting land near to kin. Perry argued that “the kin network was spatially restricted,” but he also recognized “active sociability among

⁷⁴ *CCR II*, 24.

⁷⁵ *CCR II*, 25.

⁷⁶ Christine Daniels, “Intimate Violence: Then and Now,” in *Over the Threshold*, 13.

⁷⁷ While there has been a longstanding debate in the field over definitions of public and private, here I refer to public spaces as those in which one’s actions might be observable by others. This is similar to Norton’s notion of the “informal public” or the community, as opposed to the formal public. When I refer to private spaces and ideas of privacy, I again invoke Norton’s use of the term as “not public,” and I refer to spaces in which one’s actions were presumably concealed. See Norton, *Founding Mothers & Fathers*, 20-22.

kin.”⁷⁸ Despite a lack of convenient roads, the court records reveal that neighbors frequently visited each other for social and economic reasons. To make these calls, neighbors travelled through the fields and woods between plantations. It was thus in these liminal spaces that residents often shared news and spread gossip. As the court records demonstrate, a conversation or action was rarely private, and residents had to be careful or watchful neighbors might misinterpret their words or actions. Perry has also described the process by which, “in the course of a visit, individuals happened to witness events about which they were asked to testify at a later date.”⁷⁹ Thus, given the civil nature of these disputes, and as the depositions repeatedly show, a casual social visit could well land you in court as a witness.

The public nature of the household allowed community regulation of violence and offered a degree of protection to servants from the caprices of a master’s tyranny. As Daniels has argued, “public displays of private violence were undertaken to give *all* household members a common grammar and understanding of the nature of authority within that household.”⁸⁰ Public correction was partly spectacle and a means to show the repercussions of transgressions, functioning as a possible deterrent to others. Some historians have gone as far as to argue that public violence was a way that a patriarch might even flaunt his authority. For example, Mary Beth Norton has argued, “husbands did not bother to conceal their mistreatment of wives from observers, thereby graphically illustrating that such behavior on their part was acceptable.”⁸¹ In the case of the seventeenth-century Eastern Shore, however, the public nature of violence offered less of

⁷⁸ James R. Perry, *The Formation of a Society on Virginia’s Eastern Shore, 1615-1655* (Chapel Hill, N.C.: University of North Carolina Press, 1990): 28-38, 42-43, 68-75, 90-95, quotes on 74 and 95.

⁷⁹ Perry, *The Formation of a Society*, 42-3, 92.

⁸⁰ Daniels, “Intimate Violence: Then and Now,” in *Over the Threshold*, 14.

⁸¹ Norton, *Founding Mothers and Fathers*, 79.

an affirmation of power, and more of a communal check on the absolute power of a household head. In this setting, the public nature of violence acted as a safeguard against abuse, and allowed servants and dependents protection within public or semi-public spaces. It was rare that a person's actions would go unnoticed, and this acted as an extralegal source of protection. Residents were likely well aware of the constant presence of family and neighbors. This knowledge of community policing might also have influenced the actions of Eastern Shore residents and the extent to which they acted with an anticipated "audience," lending some performance value to their actions.

Judgments concerning the increased vulnerability associated with certain locations contributed to determinations of correction and abuse in the courts. Shore residents seemed to agree that legitimate correction required the oversight of others and that servants were more vulnerable and thus more likely to suffer abuse in private or unprotected spaces. The locations where violence was inflicted were thus important in justifying whether correction was legitimate and in which cases it might be considered abuse. In court, residents frequently described spaces and locations when they narrated an event. The emphasis on location allowed them to make claims about the extent of community knowledge and about the comparative vulnerability of servants and dependents.

Another Eastern Shore case involving violence against servants, heard in court in 1642, provides a more detailed examination of the way in which ideas about shared social knowledge, vulnerability, and protection converged in the court's evaluation of the locations of violence in correction-abuse cases. This case actually involves two entwined incidents that came to light in depositions concerning the possible breakdown of authority

on the Burdett plantation three years earlier. It is not clear in the records why the involved parties waited three years to bring these incidents to court, but by this time, one of the parties in question, Mrs. Burdett, had since passed away. This case, which comprises one episode of physical violence and several verbal threats, is rich with detail, and provides a valuable starting point for an examination of the ways in which locations of servant bodies informed negotiations around definitions of abuse. Within this case, there remains a gulf between acts of physical violence and unrealized threats. The records do not disclose whether these threats were ever acted upon, but this does not preclude an analysis of the ways in which these colonists expressed violence in the records, imagined or not. Of particular interest here are the multiple locations described in each of these depositions and the ways in which specific locations of bodies informed understandings of violence.

In court on September 20, 1642, a woman named Joane Stockeley introduced herself as a former servant under Mrs. Burdett and recounted an incident in which Roger Moy had drunkenly accused four of Mrs. Burdett's servants of killing a hog and roasting it by the side of the creek.⁸² Roger's wife, Anne, had denied knowledge of the alleged incident and she later complained to Stockeley that Roger had threatened to run a knife through her if she did not back up his story. A few days later, after Anne and Roger returned from a trip to the woods, Anne had asked Stockeley, "did you not heare mee cry

⁸² Roger Moy's status is somewhat unclear in the records. He may or may not have been a servant at the time of this original incident in 1639. In 1640, he signed himself and his wife Anne over into servitude for a period of four years to pay back a debt for medical care. Other records indicate that Moy was "mates" with Godfree Hayes, which signals that he and Hayes jointly headed a household. There is also evidence showing that, with Hayes, Moy employed a laborer for a period of seven weeks. It also seems likely that, while Moy served for the Burdetts to recover debts, he did not live with the other servants and enjoyed nominally greater independence. He was also given half of Henry Weedes' plantation by Robert Newton in February 1642. Although Roger and Anne's status is somewhat unclear, their lives were clearly tied up in the drama of the Burdett plantation, and their stories still provide a useful lens to examine the spatial dimensions of violence on the Eastern Shore. *CCR II*, 6, 197-8, 248.

Roger swore that hee will kill mee if I saye not as hee sayth[.]”⁸³ In the second part of this somewhat puzzling saga, another former servant of the Burdetts, and ostensibly one of the four suspected of killing the hog, Arthur Rayman recounted how Mrs. Burdett had entered into her husband’s dwelling house and had forcefully taken a pestle from Rayman, threatening to beat him with it. As Rayman described, Mrs. Burdett proceeded to beat him, and then turned her body and threatened to hang four of the other servants (John Allen, Thomas Lawson, Thomas Browne, and Patrick the Irishman). Robert Warder, another former servant, confirmed this story, also noting that Anne Moy had entered the house right after and was crying that her husband was looking for a knife to kill her. Warder recounted how Anne had told him, “hee would kill mee if hee had me in the woods for I dare not goe home with him.” In another recounting of these events, John Allen, another former servant, also described how the next morning Mrs. Burdett had given the under-sheriff, William Johnson, an order to look into the situation, claiming that she was afraid the servants would overrun her.⁸⁴

Deponents were prudent in describing the spaces where alleged incidents had taken place because location often shaped the trajectory of events, as with the incident of the hog roasting at the creek side. As Breen and Innes have described, the Eastern Shore was home to “scores of creeks,” which “created a multiplicity of small coves that defined settlement patterns.”⁸⁵ Creeks shaped and bounded the community, at times making it more difficult to travel uninterrupted between neighboring plantations. While little is known of the spatial geography of the Burdett and Moy households, “the creek” was frequently mentioned in court records, and was a communal space, but also a liminal

⁸³ *CCR II*, 203-4.

⁸⁴ *CCR II*, 204-206

⁸⁵ Breen and Innes, “*Myne Owne Ground*”, 37.

space between plantations and outside of the household. The fact that the alleged hog-roasting incident took place away from the household echoes the illicit and clandestine nature of these events and signals the lack of communal policing in such a setting. The creek side location of the alleged incident was removed from the eyes of the plantation, which reinforces the question of the legitimacy of Roger's account.⁸⁶

The woods, as described in these records, also surface as a place not only of community interaction, but also of increased vulnerability and fear outside of the plantation. Stockeley described Anne and Roger's conversation in the woods, which were imbued with particular social significance in seventeenth-century Virginia. One of the Virginia laws from 1631-2 concerning interaction with Indians in the colony stated, "It is ordered that no person or persons shall dare to speak or parlie with any Indians either in the woods or in any plantation..."⁸⁷ This law made particular allowances for the Eastern Shore, stating that colonists should respect amity with the nearby Indians, but the law also suggests some level of uncertainty and fear concerning the woods. In this same vein, in 1641, the county court ordered that residents were "not to travell abroad from their severall houses and Plantations without Carryeing their Armes and Ammunitions." Interestingly, among those named as repeat offenders and called to the church to cut up weeds as penitence was Roger Moy.⁸⁸ As this order indicates, public safety was a constant concern, and those places in between houses and plantations were regarded as particularly dangerous. In this particular case, Anne went into the woods with her

⁸⁶ The creek was also the location of another abuse case, involving Alice Travellor-Burdett. Alice was William Burdett's second wife, and thus not the same woman involved in the previously mentioned events. Alice was implicated in a particularly gruesome abuse case, where she reportedly whipped Elizabeth Bibby (a young girl living with the Burdetts after her parents passed away) and "hoised her up by a tackle which they used to hang deer with." Alice allegedly also asked a servant to throw Bibby so far into the creek "that she could very hardly crawl out." See *CCR II*, 271-272.

⁸⁷ Hening, *Statutes at Large*, 167.

⁸⁸ *CCR II*, 105.

husband and returned claiming that her husband threatened her while they had been alone. This suggests that the woods were a space of particular vulnerability, given the relative privacy and lack of community oversight in this location.

Anne's question to Stockeley about whether or not she heard her cry while she was in the woods demonstrates that colonists were aware of the spatial proximity of their community and had expectations of shared social knowledge. It appears from her testimony that Stockeley did not hear Anne cry, which reinforces the notion that the woods were a place of increased vulnerability due to the greater distance from community protection. The woods made another appearance in Robert Warder's deposition, when Anne again reported that her husband "would kill mee if hee had mee in the woods." In both of these cases, Anne seemed to value the protection of the Burdett plantation and the public nature of this location as contrasted with her vulnerability while in the woods. As Anne's account suggests, the woods were perhaps one spot where violence would constitute abuse, since the action might go unnoticed as compared to the plantation where similar violence, visible to the community, might be construed as correction. In this case, as with others, correction seems to have been rendered legitimate in settings that, by contrast, offered public regulation and community engagement, theoretically inhibiting abuse.

While the woods were an unprotected and foreign space, there are parallels in the way Anne described the woods and her own home. As Warder described in his deposition, Anne expressed fear of returning home with Roger, crying, "I dare not goe home with him." Assuming that the home Anne was describing was one where Roger and she were relatively concealed in private quarters, the home became a place of

vulnerability similar to the woods. In this incident, Anne fled to the security of the plantation and the comfort of others and expressed fear in entering a remote setting alone with Roger. This again reinforces the idea that servant bodies became more vulnerable to abuse in settings that were not protected by the watchful eyes of the community. As Anne's case suggests, spatial vulnerability was also to some extent a gendered experience, and one in which female bodies were more exposed to the threat of male violence.⁸⁹ In some ways, Anne's words reflect a script that emphasized her helplessness in the woods. As Terri Snyder has argued, "in order to be believed, women often used dramas of dependency and victimization and traditional images of female meekness, weakness, and submission to their advantage."⁹⁰ In this case, it is unclear whether or not Anne was employing a script and self-consciously situating herself as a vulnerable woman. Regardless, Anne's words reflect anxieties concerning abuse to female bodies in unprotected spaces.

The second set of events, during which Mrs. Burdett confronted the servants, took place in a house described as Mr. Burdett's quartering house or dwelling house, a location with social significance related to a master's rights over labor. Two deponents specifically referred to this building as belonging to Mr. Burdett. The wording used here implies that this was a space owned by Mr. Burdett, within which he maintained certain authority. This points to an understanding of mastery in which masters has rights to their servants' labor, thus rendering certain locations legitimate for correction. However, Mr.

⁸⁹ There are other incidents within these records that similarly suggest the vulnerability of females, and particularly female servants to the threat of male violence. For example, one case in August 1642, John Little was accused of entering the home where Elizabeth Bacon, a maidservant, was sleeping late at night, taking her clothes off, and calling her a whore. This case suggests the relatively free access men had to female servants. See *CCR II*, 189. Anne Moy was herself involved in another incident in which John Paraamore allegedly beat her in her home. As one man deposed, Anne had thrown a block and pestol at Paraamore at the door of her home after he had beat her. See *CCR II*, 207.

⁹⁰ Terri Snyder, *Brabbling Women*, 47.

Burdett is entirely absent from each of these accounts, and in his stead, Mrs. Burdett acted as a proxy, entering the house and initiating a conversation with the servants.⁹¹ Given the way in which the deponents described Mrs. Burdett's actions, she maintained considerable authority over the servants in her position as mistress.⁹² Each of the deponents matter-of-factly recounted the events. Arthur Rayman described his beating without questioning Mrs. Burdett's position or authority to inflict such a punishment. Rayman described the beating: "Mrs. Burdett tooke the pestle from this deponent perforce and told him saying I will give you a spell and shee having made an end of the sayde beating imedeately turned about her body..."⁹³ Rayman seemed concerned to address his innocence in the hog-roasting incident but did not explicitly question Mrs. Burdett's right to provide correction on her property. Additionally, Rayman's deposition demonstrates that his correction was administered in a setting among other servants within the house. This suggests that masters and mistresses might have been accorded more authority to correct their servants on their own property and under the watchful, perhaps legitimately, gaze of the greater plantation household.

Although the servants did not explicitly question Mrs. Burdett's authority, heterosocial violence, particularly that inflicted by a female mistress on male servants, was uncommon, and certainly raised the attention of the servants.⁹⁴ The authority of female masters was cause for anxiety, and this was further heightened by the heterosocial

⁹¹ The depositions also differ in the way that they describe servants as servants under Mrs. or Mr. Burdett.

⁹² For a discussion of the authority of female masters in seventeenth and eighteenth century Virginia, see Terri Snyder, "'As if there was not master or woman in the land'" Gender, Dependency, and Household Violence in Virginia, 1646-1720" in *Over the Threshold*, 224. For another case in the Accomack-Northampton records in which a female master wielded considerable power, see the case of Alice Travellor-Burdett against Elizabeth Bibby. *CCR II*, 271-2.

⁹³ *CCR II*, 204.

⁹⁴ This is the only case within these records that suggests female violence toward male subordinates.

nature of the correction.⁹⁵ In this case, the servants very cautiously situated their stories with reference to their position under Mr. Burdett and their location within Mr. Burdett's dwelling house. Additionally, John Allen later recounted how Mrs. Burdett had called the under-sheriff and reported that she was afraid the servants would overrun her. Thus, Mrs. Burdett remained vulnerable as a female in the presence of a group of servants. The fear of servant rebellion was a real one, and the possibility of such an uprising tempered a master's authority over his or her servants.⁹⁶ As this demonstrates, although the household was a space of relative safety due to the public nature of households in the seventeenth-century, protection was contingent and household-owners were not given complete authority even within their own households.

In 1640, the court found that a household was such a threat to a servant that they removed her from it and placed her under the custody of the sheriff. In 1640 Elinor Rowe petitioned the court, reporting: "soe dangerous was her case through the unchristian like and violent oppression of her Mistresse and by her continuall strikeinge Beatinge and abusinge her with careless resolute Blowes in mannier and most inhumane kindes at that it justly and openly appeared to all mens viewe that her life was oftentimes indangered." Elinor reported that she "standeth in A Continuall feare if to her againe she must goe that she shall doubtles be murthered."⁹⁷ In response to her petition, the court ordered that she should remain at the sheriff's house until the next monthly court.⁹⁸ In her petition, Elinor emphasized that her life was endangered and that she could not return to Mrs. Wilkins'

⁹⁵ Snyder has similarly concluded: "for women who headed households... the use of disciplinary violence was risky." Snyder, "As if there was not master or woman in the land" in *Over the Threshold*, 222.

⁹⁶ For a discussion of servant-on-master violence in seventeenth and eighteenth century Virginia, see Snyder, "As if there was not master or woman in the land" in *Over the Threshold*, 223.

⁹⁷ Elinor is also referred to as Elinor Howe in another record, but Rowe is the more frequently used spelling. For these reasons, I refer to Elinor by her first name in this essay. *CCR II*, 26.

⁹⁸ *CCR II*, 4.

(her mistress') house or she might be murdered. As her petition demonstrates, although the household provided some level of protection due to the public nature of affairs, servants might remain vulnerable within this space. In cases such as this one, the court intervened, acknowledging the servant's vulnerability and affirming that masters and mistresses did not have total authority even within their own households. Furthermore, the court ordered that Elinor remain in the custody of the sheriff, which reflects an association of the sheriff's house as a protective space. As with Mrs. Burdett's case, the figure of the sheriff represented the court's ability to intervene when the breakdown of authority within the household offered a threat to an individual's life. This again underscores the fragile authority of the household, the tenuous circumstances that framed relationships between masters and servants and required careful negotiation.

As these cases reveal, Eastern Shore residents emphasized the locations of violence in courts as a means of interpreting the legitimacy of authority. Given the fragility of social and labor relations in Accomack-Northampton, community members valued the engagement of their neighbors and kin, expressing expectations of shared social knowledge and collective policing. When violence occurred outside of the view of the community, deponents questioned the legitimacy of authority. As these cases suggest, servants were increasingly vulnerable in unprotected spaces like the woods and creeks. While servants were not without fear on plantations, a community of observers more closely regulated these spaces. The presence of such cases in court reinforces the conclusion that a master's control over his or her household was not absolute, but was legitimated by the community and by servants themselves.

The county court records of Accomack-Northampton in the 1640s illuminate a society in formation. The world that Thomas Wood lived and died in was an environment of contestation at a particular historical moment, and his untimely death, perhaps due to scurvy or from the repeated abuse by his master and overseer, was representative of the volatility of the society of which he was a part. The records from the court reveal a tendency among Eastern Shore residents to articulate their relationships as long-standing and familiar despite the novelty of their circumstances. By doing so, the men and women of Accomack-Northampton expressed a shared desire to establish coherence within their society. Without a legal tradition governing the system of servitude that took root in Virginia, men and women established local standards for policing relationships between masters and servants. In cases involving violence between masters and their servants, community members articulated shared understandings of the limits of authority.

The Virginian plantation of the 1640s was far different than its successor, and cases in court reveal strict limits to a master's control over indentured laborers. Indentured servants occupied an unusual stratum of society, as a temporary yet sizeable class with contracts of varying lengths and the realistic possibility of upward mobility. Masters did not yet comprise a class much separated from their servants, and they required the consent of the entire community in order to ensure that their authority did not violate proscriptions of legitimate behavior. Cases concerning violence toward servants in courts demonstrate that these relationships were still quite fraught and often required the intervention of the local legal regime. Three major questions shaped the interpretation of violence on the correction-abuse continuum – Was the violent act inflicted to extract labor from the servant? Did the servant body bear lasting marks of

violence? And lastly, where were the master and servant when the violence was inflicted? Deponents called upon these questions in shaping their testimonies, providing accounts of violence that emphasized the function of violence, the bodies of servants, and the spaces where violence was legitimized by community protection. These depositions reflect the ways in which Eastern Shore residents narrated their understandings of violence and authority, emphasizing bodies and spaces in their telling of these stories.

While Thomas Wood, Walter Dickinson, Anne Moy, Arthur Rayman, and Elinor Rowe may have been exceptional to the extent that their cases reached the courts, their stories illustrate the ways that courts interpreted correction and abuse. These cases offer a window into the household and permit a better understanding of the way in which English colonists in Virginia understood and evaluated their relationships and negotiated the power structure. The cases of household violence explored here are historically contingent, bound to a moment during which much was changing. To study this community in Accomack-Northampton only thirty years later would present a very different picture, as racial differences would soon complicate and shift the way that colonists understood and negotiated labor arrangements and social hierarchies. For these reasons, the cases of Thomas Wood and the others invite an examination of attitudes about mastery and dependence at a time when Virginians were anxiously trying to define their social community. Violence was a means of testing the boundaries of the social hierarchy and these cases of violence toward servants reveal the centrality of both the laboring servant body and the sites of violence to contemporary understandings and negotiations of the social order.

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